



CITY OF SALEM

Meeting Agenda

City Council

555 Liberty St SE
Salem, OR 97301

Monday, May 9, 2022

6:00 PM

Virtual Meeting

****Due to the COVID-19 Pandemic, this meeting is being conducted virtually, with remote attendance by the governing body. No in-person attendance is possible. Interested persons may view the meeting online at CC:Media YouTube Channel or watch on Comcast Cable CC:Media Channel 21. Please submit comments on agenda items by 5:00 p.m., or earlier, on the day of the meeting at cityrecorder@cityofsalem.net. Public comment and testimony may also be provided during the meeting via Zoom. Please pre-register between 8:00 a.m. and 2:00 p.m. on the day of the meeting at the following link: <https://www.cityofsalem.net/Pages/Public-Comment-at-Salem-City-Council-Meeting.aspx>.**

EXECUTIVE SESSION

None.

WORK SESSION

None.

1. OPENING EXERCISES: (Includes call to order, roll call, pledge of allegiance, announcements, proclamations, ceremonial presentations, and Council comment)

Call to Order

Roll Call

Pledge of Allegiance

1.1 APPROVAL OF ADDITIONS AND DELETIONS TO THE AGENDA

1.2 COUNCIL AND CITY MANAGER COMMENT

1.3 PROCLAMATIONS

1.3 a. [22-194](#) Proclamation recognizing National Historic Preservation Month.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation:

Information Only.

Attachments: [Proclamation - National Historic Preservation Month](#)

1.4 PRESENTATIONS

2. PUBLIC COMMENT: (Comment on agenda items other than public hearings and deliberations)

3. CONSENT CALENDAR: (Includes approval of minutes, adoption of routine resolutions, and items of business requiring Council action)

3.1 MINUTES

3.1 a. [22-203](#) April 25, 2022 Draft City Council Minutes

Attachments: [4-25-22 Draft Council Minutes.pdf](#)

3.2 RESOLUTIONS

3.2 a. [22-188](#) Initiating a Class 2 vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.

Ward(s): 3
Councilor(s): Phillips
Neighborhood(s): Morningside
Result Area(s): Safe, Reliable, and Efficient Infrastructure

Recommendation:

Adopt Resolution No. 2022-25, initiating vacation of three easements adjacent to Reed Road SE at its intersections with Strong Road SE and Lindburg Road SE.

Summary:

Street improvements are being constructed on Reed Road SE in the vicinity of Strong Road SE and Lindburg Road SE associated with a residential development project. Three existing easements are located within the area needed for the roadway improvement. The easements must be vacated in order for the property owner to dedicate the improved street to the City as public right-of-way.

Attachments: [Resolution No. 2022-25 with Exhibits](#)

[Vicinity Map](#)

3.2 b. [22-192](#)

Dedication of City Property as Public Right-of-Way for the Construction of Gaia Street SE.

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): SEMCA

Result Area(s): Safe, Reliable, and Efficient Infrastructure

Recommendation:

Adopt Resolution No. 2022-26 which dedicates City property as public right-of-way for the construction of Gaia Street SE.

Summary:

Notice of Decision Case No. SUB09-02MOD3 issued for the Salem Business Campus development requires the construction of Gaia Street SE. The majority of Gaia Street SE will be dedicated as public right-of-way with the recording of a partition plat for the Salem Business Campus development. A small portion of the proposed street improvement at the connection with Culver Drive SE, is over land owned by the City of Salem, but lies outside the boundaries of the proposed partition plat. It is necessary to dedicate this small portion of City Property as public right-of-way for the proposed street improvement.

Attachments: [Resolution 2022-26](#)

[Resolution 2022-26 Exhibit A and Exhibit B](#)

[Project Location Map](#)

3.3 ACTION ITEMS

3.3 a. [22-186](#)

Lease with the James A. Eastridge Living Trust for use of real property located at the intersection of Front Street SE and Ferry Street SE

Ward(s): 2

Councilor(s): Andersen

Neighborhood(s): CANDO

Result Area(s): Good Governance; Welcoming and Livable Community.

Recommendation:

Authorize the City Manager to execute the attached Lease for use of real property located at the intersection of Front Street SE and Ferry Street SE.

Summary:

The City property located at the intersection of Ferry Street SE and

Front Street SE identified as tax lot 073W27BA02300 (Property) is currently used for off street parking. The lease with the current user expires on July 31, 2022. Staff has come to terms with the James A. Eastridge Living Trust (Lessee) to lease the Property (Lease) (Attachment 1). Lessee owns several commercial buildings adjacent to the Property.

Attachments: [Lease](#)

- 3.3 b. [22-193](#)** Purchase and Sale Agreement with Piche Group Investments LLC for disposition of surplus City property located adjacent to Kuebler Boulevard SE.

Ward(s): 3
Councilor(s): Phillips
Neighborhood(s): Morningside
Result Area(s): Good Governance; Welcoming and Livable Community.

Recommendation:

Authorize the City Manager to execute the attached Purchase and Sale Agreement with Buyer for surplus City property located adjacent to Kuebler Boulevard SE.

Summary:

The City owns two parcels of land adjacent to Kuebler Boulevard SE identified as tax lots 083W14BB02702 and 083W14BA0141 (Property). Piche Group Investments LLC (Melissa Stanley, Member) (Buyer) is in the process of developing a new subdivision adjacent to the Property and desires to purchase a portion of the Property to enhance the subdivision. A public auction was held and Buyer was the winning bidder.

Attachments: [Agreement](#)

- 3.3 c. [22-199](#)** Purchase and Sale Agreement with Meredith A. Cote for acquisition of real property adjacent to Franzen Reservoir.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Natural Environment Stewardship; Safe, Reliable and Efficient Infrastructure.

Recommendation:

Authorize the City Manager to execute the attached Purchase and Sale Agreement for acquisition of real property adjacent to Franzen Reservoir.

Summary:

The City of Salem owns and maintains the Franzen Reservoir in Turner, OR as a major component of its drinking water infrastructure. Staff has determined that in order to protect the integrity of the reservoir, it is prudent to acquire property adjacent to it to prevent development from occurring on the embankments surrounding the reservoir.

Attachments: [Agreement](#)

3.3 d. [22-159](#)

Adoption of Final Order No. 2022-6-SUB21-09 following City Council's vote to affirm Phased Subdivision Tentative Plan Case No. SUB21-09 subject to an amended tentative plan and additional conditions of approval.

Ward(s): 3

Councilor(s): Phillips

Neighborhood(s): Morningside Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

Adopt the Final Order to affirm the Planning Administrator's decision approving phased subdivision tentative plan case no. SUB21-09 subject to the applicant's proposed modifications dated March 9, 2022, and additional conditions of approval.

Summary:

On March 28, 2022, the City Council conducted deliberations and voted to affirm the Planning Administrator's decision approving Phased Subdivision Tentative Plan Case No. SUB21-09 subject to the applicant's proposed modifications dated March 9, 2022 reducing the number of lots from 139 to 126, and subject to additional conditions of approval.

Attachments: [Vicinity Map](#)

[Final Order](#)

[Exhibit 1](#)

[Exhibit 2](#)

3.3 e. [22-197](#)

Adoption of Final Order No. 2022-8-SUB-UGA-ADJ22-01 following City Council's vote to affirm the Planning Administrator's decision approving Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, Class 2 Adjustment Case No. SUB-UGA-ADJ22-01 for property located at 2527 Robins Lane SE - 97306.

Ward(s): 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association (SGNA)

Result Area(s): Welcoming and Livable Community

Recommendation:

Adopt the Final Order to affirm the Planning Administrator's decision approving Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, and Class 2 Adjustment Case No. SUB-UGA-ADJ22-01.

Summary:

On April 25, 2022, the City Council held a public hearing, received testimony and then closed the hearing. The City Council conducted deliberations and voted to affirm the Planning Administrator's decision approving Phased Subdivision Tentative Plan, Urban Growth Area Preliminary Declaration, and Class 2 Adjustment Case No. SUB-UGA-ADJ22-01.

Attachments: [Vicinity Map](#)

[Final Order](#)

[Exhibit 1](#)

3.3 f. [22-198](#)

Adoption of Final Order No. 2022-9-CU-SPR-ADJ-DAP-DR21-05 following the City Council's vote to affirm the decision of the Hearings Officer denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05 for property located at the 4900 Block of State Street - 97301.

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): East Lancaster Neighborhood Association (ELNA)

Result Area(s): Welcoming and Livable Community

Recommendation:

Adopt the Final Order to affirm the Hearings Officer's decision denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05.

Summary:

On April 25, 2022, the City Council held a public hearing and received public testimony. The public hearing was closed, and the City Council conducted deliberations and voted to affirm the Hearings Officer's decision denying Conditional Use Permit, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Class 1 Design Review Case No. CU-SPR-ADJ-DAP-DR21-05.

Attachments: [Vicinity Map](#)[Final Order](#)[Exhibit 1](#)[Exhibit 2](#)**3.3 g.** [22-200](#)

Final Order No. 2022-7-CPC-ZC21-06 following City Council's vote to affirm the decision of the Planning Commission to approve Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change for Case No. CPC-ZC21-06, for property located at the 2100 Block of Doaks Ferry Rd NW.

Ward(s): 8

Councilor(s): Varney

Neighborhood(s): West Salem Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

Adopt the Final Order to affirm the Planning Commission's decision to approve Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change for Case No. CPC-ZC21-06.

Summary:

On February 18, 2022, the Planning Commission issued a decision approving a request from John Eld of Bonaventure, on behalf of Titan Hill Property LLC, to change 24.84 acres of the subject property from DR (Developing Residential) and a portion of MU (Mixed Use) to MF (Multiple Family Residential) designation, and to change the zoning of subject property from RA (Residential Agriculture) and a portion of NCMU (Neighborhood Center Mixed Use) to RM-II (Multiple Family Residential), subject to conditions of approval.

At the City Council meeting on February 28, 2022, a motion was passed that City Council call up Case No. CPC-ZC21-06 and conduct a public hearing.

Attachments: [Order No. 2022-7 CPC-ZC21-06](#)[Exhibit 1 - Vicinity Maps](#)[Exhibit 2 - Facts and Findings](#)**4. PUBLIC HEARINGS****4. a.** [22-169](#)

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation and Zone change to Commercial and (CR) Retail Commercial zoning for property located at the southwest corner of the intersection for Kuebler Boulevard and I-5.

Ward(s): Ward 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

DENY Comprehensive Plan Map Designation and Zone change, Case No. CPC-ZC21-04.

Summary:

On February 3, 2022, the Planning Commission issued a decision approving a request to change the 24.66-acres subject property from RA (Residential Agriculture) to CR (Retail Commercial), subject to conditions of approval. (**Attachment 1**).

The South Gateway Neighborhood Association filed an appeal on February 7, 2022 (**Attachment 2**).

Attachments: [Vicinity Maps](#)

[South Gateway Neighborhood Association Appeal](#)

[Planning Commission Decision for CPC-ZC21-04](#)

[Staff Report to Planning Commission dated November 2, 2021](#)

[Supplemental Staff Report to Planning Commission dated December 21, 2021](#)

[Applicant Updated Proposal and Conceptual Map](#)

[Public Comments received by 5:00 p.m., 5-4-2022.pdf](#)

[Testimony received from South Gateway Neighborhood Association.pdf](#)

Add - Written Testimony.

5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

6. INFORMATION REPORTS: (Items that require no Council action)

6. a. [22-108](#)

Planning Commission Decision - A request for a Minor Comprehensive Plan Map Amendment and Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial). - Approved.

Minor Comprehensive Plan Change / Zone Change Case No. CPC-ZC22-01 - Sam Thomas, Lenity Architecture Inc. on behalf of

Hawthorne Premier LLC (Norman Brenden, Mark Burnham) - 550 Hawthorne Ave SE.

Ward(s): 2
 Councilor(s): Anderson
 Neighborhood(s): SESNA

Recommendation:

Information Only.

Attachments: [Land Use Decision CPC-ZC22-01](#)

6. b. [22-187](#) Update on City Youth Development actions

Ward(s): All Wards
 Councilor(s): All Councilors
 Neighborhood(s): All Neighborhoods
 Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure; Strong and Diverse Economy; Welcoming and Livable Community.

Recommendation:

Information Only.

Summary:

In May 2021, Salem's City Council took action to further the City's commitment to positive youth development concentrating on service leadership, workforce development, and equitable opportunities for local youth and young adults (YYA) through approval of the City's collaborative CAREcorps program expansion. Further investments in the FY22 Budget included a one-time CAREcorps Coordinator position for the express intent to build capacity for current program expansion and new programming. Council directed staff to return with a report on how the City can better support and impact CAREcorps and to report on the number of youths served.

Attachments: [Youth Jobs Program Supplemental Document.pdf](#)

6. c. [22-189](#) Planning Administrator Decision - A 48 lot subdivision and Urban Growth Area Preliminary Declaration. - Approved.

Tentative Subdivision Plan and Urban Growth Area Preliminary Declaration Case No. SUB-UGA22-02 - Stacy Connery, Pacific Community Design on behalf of Pacific Northwest Land Company LLC (Mark Vukanovich) - 2490 Michigan City Lane NW.

Ward(s): 8
 Councilor(s): Varney
 Neighborhood(s): WSNA

Recommendation:

Information Only.

Attachments: [Land Use Decision SUB-UGA22-02](#)

7. ORDINANCES

7.1 FIRST READING:

7.1 a. [22-191](#)

Proposed amendments to Salem Revised Code Chapter 15 (Public Art) and Salem Revised Code Chapter 900 (Sign Code) to create an approval process for "Street Paintings," exempt certain temporary banners, and City-authorized signs in the public right-of-way.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

Recommendation:

Conduct a first reading to consider Ordinance Bill 8-22 amending SRC Chapter 15 and Chapter 900.

Summary:

Ordinance Bill No. 8-22 (Attachment 1) amends Chapter 15 and Chapter 900 of *Salem Revised Code* in order to create an approval process for "Street Paintings" in Salem, to provide an exemption for temporary banners regulated by a City-issued permit, and to provide an exemption for City-authorized signs in the public right-of-way.

Attachments: [Chapters 15 and 900 Revision Ordinance Bill 8-22](#)

[Exhibit A Proposed Revisions](#)

7.2 SECOND READING:

7.2 a. [22-183](#)

Petitioner-Initiated Annexation of Territory Located at 4090 Milton Street NE (Annexation Case No. C-747)

Ward(s): 5

Councilor(s): Gonzalez

Neighborhood(s): Northgate

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure.

Recommendation:

Pass Ordinance Bill No. 6-22 approving annexation, applying City zoning, and approving withdrawal from the Marion County Fire District #1 and East Salem Sewer and Drainage District for a territory of approximately 0.91 acres located at 4090 Milton Street NE.

Summary:

This is a petitioner-initiated, voter-exempt annexation of a 0.91-acre territory located at 4090 Milton Street NE - 97305 (Marion County Assessor Map and Tax Lot 072W06CA01400). The annexation would include a concurrent application of City zoning of RS (Single Family Residential). A vicinity map is included as Attachment 1.

Attachments: [Vicinity Map](#)[Ordinance Bill No. 6-22](#)[Exhibit A - Territory Legal Description and Map](#)**7.2 b. [22-184](#)**

Petitioner-Initiated Annexation of Territory Located at 4929 Auburn Road NE (Annexation Case No. C-748)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure.

Recommendation:

Pass Ordinance Bill No. 7-22 approving annexation, applying City zoning, and approving withdrawal from Marion County Fire District #1 for a 0.31-acre territory located at 4929 Auburn Road NE.

Summary:

This is a petitioner-initiated, voter exempt annexation of a 0.31-acre territory located at 4929 Auburn Road NE - 97301 (Marion County Assessor Map and Tax Lot 072W29BA02200). The annexation would include a concurrent application of City zoning of RA (Residential Agriculture). A vicinity map is included as Attachment 1.

Attachments: [Vicinity Map](#)[Ordinance Bill No. 7-22](#)[Exhibit A - Territory Legal Description and Map](#)**8. PUBLIC COMMENT: (Other than agenda items)****9. ADJOURNMENT**

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 48 hours prior to the meeting. To request accommodations or services, please call 503-588-6255 or 503-588-6003 (TTD/TTY 503-588-6439), or by e-mail at: cityrecorder@cityofsalem.net at least two business days in advance.

Si necesita ayuda para comprender esta información, por favor llame 503-588-6003.

UPCOMING PUBLIC HEARINGS, AND WORK SESSIONS

- a. [22-202](#) Due to COVID-19, and until further notice, all meetings, public hearings, and work sessions will be conducted virtually. Real-time remote viewing is available online at CC:Media YouTube Channel and can also be viewed on Comcast Cable CC:Media Channel 21.

CITY COUNCIL PUBLIC HEARINGS:

Petitioner-Initiated Annexation of Territory located at 4314 Munkers Street SE and Lands Adjacent (Annexation Case No. C-745)
Monday, May 23, 2022 at 6:00 p.m.

FY 2023 Recommended City of Salem Budget
Monday, June 13, 2022 at 6:00 p.m.

State Revenue Sharing Funds
Monday, June 13, 2022 at 6:00 p.m.

Proposed Fees and Charges for Utility Service Rates (Water, Wastewater and Stormwater)
Monday, July 25, 2022 at 6:00 p.m.

SALEM HOUSING AUTHORITY PUBLIC HEARINGS:

URBAN RENEWAL AGENCY PUBLIC HEARINGS:

FY 2023 Recommended Urban Renewal Agency Budget
Monday, June 13, 2022 At 6:00 p.m.

WORK SESSIONS:

City Council
Salem Community Improvement Bond
Monday, May 16, 2022 at 6:00 p.m.

BUDGET COMMITTEE MEETINGS

Budget Committee Recommends FY 2023 Budget to City Council and Urban Renewal Agency
Wednesday, May 11, 2022 at 6:00 p.m.

SCHEDULE OF NEIGHBORHOOD ASSOCIATION ANNUAL MEETINGS

Neighborhood - Annual Meeting Date - Councilor
Morningside - May 11, 2022 - Andersen, Phillips
SCAN - June 9, 2022 - Andersen, Phillips, Nordyke
Highland - June 9, 2022 - Stapleton, Gonzalez

MEETING PROCEDURES

City Council meets on the second and fourth Mondays of each month at 6:00 p.m. All meetings are in the Council Chambers, Room 240, 555 Liberty St. SE.

The Mayor, who is the presiding officer, is elected at large for a term of two years. Councilors are elected for four year terms for each of the City's eight Wards. These nine officers comprise the Council who make the policy decisions for municipal activity and pass its ordinances and regulations.

Because the Mayor and Councilors' positions are part time, without pay, the Council appoints a City Manager who is responsible for the administration and execution of the City's policies and ordinances.

The City Council generally follows Robert's Rules of Order, but has adopted supplementary rules that may be found on the City's website at:
[http://www.cityofsalem.net/Pages/council rules.aspx](http://www.cityofsalem.net/Pages/council%20rules.aspx).

THE CONSENT CALENDAR

The Consent Calendar allows the Council to save time by acting on everything listed on that part of the agenda with one motion instead of considering each item separately. If a City Councilor believes a matter on the Consent Calendar deserves further discussion, the Councilor can request that item be removed from the Consent Calendar and considered separately under "Special Orders of Business."

PUBLIC COMMENT

There are two times at every regular City Council meeting when the public has an opportunity to address the City Council. The first time is immediately prior to the Consent Calendar. This time is reserved for questions or statements regarding items appearing on the agenda, except public hearings and the merits of land use issues. The second time is at the end of the agenda. At this time, you can address the City Council on any matter of public concern, other than an agenda item. The Mayor will announce the time for public comment, and invite persons to address the City Council. Each person has three minutes to address the City Council. The time light on the podium will flash yellow when you have one minute left, and will turn red when your time has expired.

HOW TO GET YOUR COMMENTS INCLUDED AS PART OF THE AGENDA

Any written comments that you wish to be given to the City Council that are about an item on an agenda must be submitted to the City Recorder by 3:30 p.m. on the day of the City Council meeting when the item will be considered. For complete information on submitting communications to Council, please refer to Council Rule 6: Communications:
[https://www.cityofsalem.net/Pages/council rules.aspx](https://www.cityofsalem.net/Pages/council%20rules.aspx).

If you have some matter that you wish to have the City Council consider in the future, you are encouraged to submit your suggestion in writing to the City Manager at 555 Liberty Street SE, Room 220, Salem, OR, or by e mail to: manager@cityofsalem.net.

PUBLIC HEARINGS

The City Council can hold public hearings to consider legislative, quasi judicial or administrative matters. To testify at a hearing, you may sign up on the Hearing Roster located near the east entrance to the Council Chambers before the Mayor convenes the meeting. At the time for the hearing on the agenda, the Mayor will announce when the public hearing is open. If you have signed up to speak, come forward to the podium when the Mayor calls your name. State your name and either your address or the ward you live in. If you wish to receive notice of any written decision reached at the hearing, you must provide the City Recorder your address. When you have finished speaking, the Mayor will ask the Council if there are any questions for you, so please remain at the podium for a moment.

The time limit is 3 minutes per person for legislative and administrative hearings. The time limits for quasi judicial hearings in non land use cases are as follows:

1. Staff Presentation – 15 minutes
2. Affected Party – 15 minutes
3. Neighborhood Associations – 5 minutes
4. Other Interested Persons – 3 minutes per person
5. Rebuttal by Affected Party – 7 minutes

Time limits for quasi judicial land use hearings are governed by Rule 19 of the Council Rules. Parties to land use cases are encouraged to review that rule as time limits vary depending on the nature of the hearing. Further information can be obtained by contacting the Planning Administrator at 503 588 6173 or email at: lmanderson@cityofsalem.net.

Timer lights are located on the podiums. A flashing yellow light means you have one minute left; a red light means your time has expired.

